Package Liquor Store Distance Separation

ORDINANCE NO._____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 6, "ALCOHOLIC BEVERAGES", ARTICLE I, "IN GENERAL", SECTION 6-4, "LOCATION AND USE RESTRICTIONS", TO AMEND AND INCREASE THE DISTANCE SEPARATION BETWEEN RETAIL STORES FOR OFF-PREMISES CONSUMPTION FROM 300 FEET TO 1500 FEET, AND TO AUTHORIZE THE PLANNING BOARD TO GRANT A CONDITIONAL USE PERMIT TO OPERATE A RETAIL STORE FOR OFF-PREMISES CONSUMPTION AT A LESSER DISTANCE, PROVIDED THAT IN NO EVENT SHALL SUCH A STORE OPERATE AT A DISTANCE LESS THAN 700 FEET FROM AN EXISTING STORE; PROVIDING FOR CODIFICATION; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.

WHEREAS, retail stores for off-premises consumption of alcoholic beverages in Miami Beach have been historically concentrated in the commercial and mixed-use entertainment districts along Washington Avenue, Collins Avenue, Alton Road and Ocean Drive; and

WHEREAS, the City Code allows certain uses within commercial districts, which, absent mitigation, could be incompatible with dense urban landscape of the community; and

WHEREAS, Chapter 1, of the Land Use Element, Objective 2, "Land Use Compatibility," of the City's 2025 Comprehensive Plan (hereinafter "Plan"), specifies that the City's land development regulations will be used to address the location, type, size and intensity of land uses and to ensure adequate land use compatibility between residential and non-residential land uses; and

WHEREAS, Policy 2.1 of the Plan provides that the land development regulations shall continue to address the location and extent of nonresidential land uses in accordance with the Future Land Use map and the policies and descriptions of types, sizes and intensities of land uses contained in [the Future Land Use] Element; and

WHEREAS, Policy 2.2 of the Plan provides that development in land use categories which permit both residential and non-residential uses shall be regulated by formalized land development regulations which are designed to ensure adequate land use compatibility; and

WHEREAS, compatibility shall be achieved by one or more of the following: (1) enumeration of special land uses which may be particularly incompatible with residential uses and may be prohibited in specified areas or zoning districts; (2) enumeration of special land use administrative procedures such as Conditional Use approval, which require public hearings prior to special land use approval; (3) *enumeration of special land use criteria such as minimum required distance separations from residential districts or uses or allowable hours of operation, to ensure that non-residential special land uses are properly located with respect to any residential uses to which they may be incompatible;* and (4) the vertical separation of residential and non-residential uses within mixed use buildings through the use of land use regulations on accessory uses within residential buildings, and the identification

of those types of commercial uses which are particularly incompatible with residential uses and which shall therefore NOT be permitted in mixed use buildings; and,

WHEREAS, it is in the best interest of the City to create a distance separation, citywide, for certain uses, as there is a proliferation of certain uses, which can result in incompatibility with the residential districts, and the general health, safety and welfare of the community; and

WHEREAS, the amendments set forth below are necessary to accomplish all of the above objectives.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA.

SECTION 1. Chapter 6, "Alcoholic Beverages," Article I, "In General," Section 6-4, "Location and use restrictions," is hereby amended as follows:

CHAPTER 6

ALCOHOLIC BEVERAGES

* * *

ARTICLE I. – IN GENERAL

* * *

Sec. 6-4. - Location and use restrictions.

(a) *Generally.* The following location and use restrictions are applicable for facilities selling or offering alcohol beverages for consumption:

* * *

3) *Retail stores for off-premises consumption.* The minimum distance separation between retail stores primarily selling alcoholic beverages for consumption off the premises as a main permitted use shall be ~~300~~ 1,500 feet. A retail store primarily selling alcoholic beverages may obtain conditional use approval from the planning board to operate at a lesser distance from an existing store, but in no event shall such a store open at a distance less than 700 feet from an existing store. There shall be no variances from this distance separation requirement.

SECTION 2. REPEALER.

All ordinances or parts of ordinances and all section and parts of sections in conflict herewith are hereby repealed.

SECTION 3. CODIFICATION.

It is the intention of the City Commission, and it is hereby ordained, that the provisions of this Ordinance shall become and be made part of the Code of the City of Miami Beach, as amended; that the sections of this Ordinance may be re-numbered or re-lettered to accomplish such intention; and that the word "ordinance" may be changed to "section" or other appropriate word.

SECTION 4. SEVERABILITY.

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 5. EFFECTIVE DATE.

This Ordinance shall take effect ten days following adoption.

PASSED and **ADOPTED** this _____ day of _____, 2017.

_____
Philip Levine
Mayor

ATTEST:

_____
Rafael E. Granado
City Clerk

First Reading: May 17, 2017
Second Reading:

Verified By: _____
Thomas R. Mooney, AICP
Planning Director

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

City Attorney 4-28-17
Date